

## Denmark

### FRIENDSHIP, COMMERCE, AND NAVIGATION

*Convention signed at Washington April 26, 1826; exchange of notes at Washington April 25 and 26, 1826*

*Senate advice and consent to ratification May 4, 1826*

*Ratified by the President of the United States May 6, 1826*

*Ratified by Denmark August 2, 1826*

*Ratifications exchanged at Copenhagen August 10, 1826*

*Entered into force August 10, 1826; operative from April 26, 1826*

*Proclaimed by the President of the United States October 14, 1826*

*Abrogated April 15, 1856<sup>1</sup>*

*Renewed, with exception of article 5, by convention of April 11, 1857<sup>2</sup>*

*Supplemented by additional articles of July 11, 1861<sup>3</sup>*

*Modified by agreement of May 4 and September 10, 1946<sup>4</sup>*

*Replaced, with exception of articles 8, 9, and 10, July 30, 1961, by treaty of October 1, 1951<sup>5</sup>*

8 Stat. 340; Treaty Series 65<sup>6</sup>

#### GENERAL CONVENTION OF FRIENDSHIP, COMMERCE AND NAVIGATION, BETWEEN THE UNITED STATES AND H. M. THE KING OF DENMARK

The United States of America and His Majesty, the King of Denmark, being desirous to make firm and permanent the peace and friendship which happily prevail between the two nations, and to extend the commercial relations which subsist between their respective territories and people, have agreed to fix, in a manner clear and positive, the rules which shall in future be observed between the one and the other party, by means of a general con-

<sup>1</sup> Pursuant to notice of abrogation given by the United States Apr. 14, 1855.

<sup>2</sup> TS 67, *post*, p. 11.

<sup>3</sup> TS 68, *post*, p. 14.

<sup>4</sup> TIAS 1572, *post*, p. 122.

<sup>5</sup> 12 UST 908; TIAS 4797.

<sup>6</sup> For a detailed study of this convention, see 3 Miller 239.

vention of friendship, commerce and navigation—With that object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State, and His Majesty, the King of Denmark, has conferred like powers on Peter Pedersen, His privy Counsellor of Legation, and Minister Resident near the said States, Knight of the Dannebrog, who, after having exchanged their said full powers, found to be in due and proper form, have agreed to the following Articles:

#### ARTICLE 1

The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favour to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession were freely made, or on allowing the same compensation, if the concession were conditional.

#### ARTICLE 2

The contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the Citizens and subjects of each may frequent all the coasts and countries of the other (with the exception hereafter provided for in the sixth Article) and reside and trade there in all kinds of produce, manufactures and merchandize, and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native Citizens or subjects do or shall enjoy, submitting themselves to the laws, decrees and usages there established, to which native Citizens or subjects are subjected. But it is understood that this Article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

#### ARTICLE 3

They likewise agree that whatever kind of produce, manufacture, or merchandise, of any foreign country, can be, from time to time, lawfully imported into the United States, in vessels belonging wholly to the Citizens thereof, may be also imported in vessels wholly belonging to the subjects of Denmark; and that no higher or other duties upon the tonnage of the vessel or her Cargo shall be levied and collected, whether the importation be made in vessels of the one country, or of the other. And, in like manner, that whatever kind of produce, manufacture or merchandize, of any foreign country, can be, from time to time, lawfully imported into the dominions of the King of Denmark, in the vessels thereof, (with the exception hereafter mentioned in the sixth article) may be also imported in vessels of the United States, and that no higher or other duties, upon the tonnage of the vessel or her cargo

shall be levied and collected, whether the importation be made in vessels of the one country, or of the other. And they further agree that whatever may be lawfully exported or re-exported, from the one country in its own vessels to any foreign country, may, in like manner, be exported, or re-exported, in the vessels of the other country. And the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation, or re-exportation, be made in vessels of the United States or of Denmark. Nor shall higher or other charges of any kind be imposed, in the ports of one party, on vessels of the other, than are or shall be payable, in the same ports, by native vessels.

#### ARTICLE 4

No higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominions of His Majesty, the King of Denmark, and no higher or other duties shall be imposed on the importation into the said Dominions of any article, the produce or manufacture of the United States, than are or shall be payable on the like articles, being the produce or manufacture of any other foreign country. Nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to the dominions of His Majesty, the King of Denmark, respectively, than such as are or may be payable on the exportation of the like articles to any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufacture of the United States or of the dominions of His Majesty, the King of Denmark, to or from the territories of the United States, or to or from the said dominions, which shall not equally extend to all other nations.

#### ARTICLE 5

Neither the vessels of the United States nor their cargoes shall, when they pass the Sound or the Belts, pay higher or other duties than those which are or may be paid by the most favoured nation.

#### ARTICLE 6

The present Convention shall not apply to the Northern possessions of His Majesty, the King of Denmark, that is to say, Iceland, the Ferroe Islands, and Greenland; nor to places situated beyond the Cape of Good Hope, the right to regulate the direct intercourse with which possessions and places, is reserved by the parties respectively. And it is further agreed that this Convention is not to extend to the direct trade between Denmark and the West India Colonies of His Danish Majesty, but in the intercourse with those Colonies, it is agreed that whatever can be lawfully imported into or exported from the said Colonies in vessels of one party from or to the ports of the United States, or from or to the ports of any other foreign country,

may, in like manner, and with the same duties and charges, applicable to vessel and cargo, be imported into or exported from the said Colonies, in vessels of the other party.

#### ARTICLE 7

The United States and His Danish Majesty mutually agree that no higher or other duties, charges or taxes of any kind shall be levied in the territories or dominions of either party, upon any personal property, money, or effects of their respective Citizens or subjects, on the removal of the same from their territories or dominions reciprocally, either upon the inheritance of such property, money, or effects, or otherwise than are or shall be payable in each State, upon the same, when removed by a Citizen or subject of such State, respectively.

#### ARTICLE 8

To make more effectual the protection which the United States and His Danish Majesty shall afford, in future, to the navigation and commerce of their respective Citizens and subjects, they agree mutually to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce; who shall enjoy in them all the rights, privileges and immunities of the Consuls and Vice-Consuls of the most favoured nation, each contracting party, however, remaining at liberty to except those ports and places, in which the admission and residence of such Consuls may not seem convenient.

#### ARTICLE 9

In order that the Consuls and Vice-Consuls of the contracting parties may enjoy the rights, privileges and immunities which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their Commission or Patent in due form to the Government to which they are accredited; and, having obtained their Exequatur, which shall be granted gratis, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the Consular District in which they reside.

#### ARTICLE 10

It is likewise agreed that the Consuls and persons attached to their necessary service, they not being natives of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts and contributions, except those which they shall be obliged to pay, on account of commerce, or their property, to which inhabitants, native and foreign, of the country in which such Consuls reside, are subject, being in every thing, besides, subject to the laws of the respective States. The Archives and papers of the Consulate shall be respected inviolably, and, under no pretext, whatever, shall any magistrate seize or in any way interfere with them.

## ARTICLE 11

The present Convention shall be in force for ten years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of ten years; and it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either from the other party, this Convention and all the provisions thereof shall altogether cease and determine.

## ARTICLE 12

This Convention shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty, the King of Denmark, and the ratifications shall be exchanged in the City of Copenhagen within eight months from the date of the signature hereof, or sooner if possible.

In faith whereof We the Plenipotentiaries of the United States of America and of His Danish Majesty have signed and sealed these presents.

Done, in triplicate, at the City of Washington on the twenty-sixth day of April, in the year of our Lord, one thousand eight hundred and twenty six, in the fiftieth year of the Independence of the United States of America.

H. CLAY	[SEAL]
PR PEDERSEN	[SEAL]

## EXCHANGE OF NOTES

*The Secretary of State to the Danish Minister Resident*

The Chevalier PEDERSEN

*Minister Resident from Denmark*

The undersigned, Secretary of State of the United States, by the direction of the President thereof, has the honor to state to Mr Pedersen, Minister Resident of His Majesty the King of Denmark that it would have been satisfactory to the Government of the United States if Mr Pedersen had been charged with instructions, in the negotiation which has just terminated, to treat of the indemnities due to citizens of the United States in consequence of the seizure, detention and condemnation of their property in the ports of His Danish Majesty. But, as he has no instructions to that effect, the undersigned is directed at and before proceeding to the signature of the Treaty of Friendship, Commerce and Navigation, on which they have agreed, explicitly to declare that the omission to provide for those indemnities is not hereafter to be interpreted as a waiver or abandonment of them by the Government

of the United States, which, on the contrary, is firmly resolved to persevere in the pursuit of them until they shall be finally arranged upon principles of equity and justice. And to guard against any misconception of the fact of the silence of the treaty, in the above particular, or of the views of the American Government, the undersigned requests that Mr Pedersen will transmit this official declaration to the Government of Denmark. And he avails himself of this occasion to tender to Mr Pedersen assurances of his distinguished consideration.

H. CLAY

DEPARTMENT OF STATE, WASHINGTON,  
25, April 1826.

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*The Danish Minister Resident to the Secretary of State*

The Honorable HENRY CLAY,  
*Secretary of State of the United States.*

The undersigned Minister Resident of His Majesty the King of Denmark has the honor herewith to acknowledge having received Mr Clay's official Note of this day, declaratory of the advanced claims against Denmark, not being waived on the part of the United States, by the convention agreed upon and about to be signed, which Note he as requested, will transmit to his Government; and he avails himself of this occasion to renew to Mr Clay assurances of his distinguished Consideration.

PF PEDERSEN

WASHINGTON, 26, April 1826.